MUNICIPAL CORPORATIONS—DONATION OF PROPERTY—PUBLIC PURPOSE.—In order to induce the trustees of a normal school established and controlled by the state to locate there, the defendants promised to furnish it with water for fifty years. On the faith of this promise, the school did locate there; but, after furnishing it with water for several years, the city refused to go on with its contract. The plaintiff brought suit for specific performance. *Held,* the city is without power to make such agreement. *Eastern Illinois Normal School* v. *City of Charleston* (Ill.), 111 N. E. 573.

Public money can only be donated and expended for public purposes. *Mollnow* v. *Rafter,* 89 Misc. 495, 152 N. Y. Supp. 110. There is great conflict and confusion among the adjudicated cases as to what purposes are so far public in their nature as to permit public money to be expended in order to promote them. While the promotion of the interest of individuals may result in the advancement of the public welfare, such an incidental benefit to the public is not enough to justify the appropriation of money to aid them; but the validity of an appropriation or donation is to be determined by the essential character of the object for which it is made, which must be such as will subserve the purposes for which the government was created. *Lowell* v. *Boston,* 111 Mass. 454. But state authority is not confined to those expenditures absolutely necessary for the continued existence of organized government, but embraces others which tend to make that government subserve the general well-being of society and advance the present or prospective happiness and prosperity of the people. *People* v. *Salem,* 40 Mich. 452, 4 Am. Rep. 400. Thus, the legislature may appropriate money for a state exhibit at a world's fair. *Daggett* v. *Colgan,* 92 Cal. 53, 28 Pac. 51, 14 L. R. A. 474. It seems that, within reasonable limits, the legislature should be the judge of what constitutes a public purpose, and, therefore, the question before the court in all such cases is one of legislative power and not legislative policy. *Daggett* v. *Colgan, supra.*

In order for a municipality to make a valid donation, the object for which it is made must be both public and corporate. *Hubard* v. *Fitzsimmons,* 57 Ohio St. 436, 49 N. E. 477. There are many objects which may be considered public objects as regards the state government, but not as regards municipalities because they confer no distinctive public benefit on the municipality. *Wasson* v. *Wayne County,* 49 Ohio St. 622, 32 N. E. 472, 17 L. R. A. 795. There is much apparent confusion among the decisions as to the power of a city to donate money to secure the location there of schools and colleges. See *Livingston County* v. *Darlington,* 101 U. S. 470; *Livingston County* v. *Weide,* 64 Ill. 427; *Burr* v. *Carbondale,* 76 Ill. 455. It would seem that the character of the institution, whether it confers a peculiar benefit on the municipality or whether the benefit to it is merely incidental and of the same character as that conferred on the state at large, should determine the validity of the donation. *Wasson* v. *Wayne County, supra.*

REAL PROPERTY—ADVERSE POSSESSION—AGAINST MUNICIPAL CORPORATIONS.—A municipal corporation owned certain land in its proprietary capacity. The defendant entered upon the land and assumed actual, open,

notorious, hostile and uninterrupted possession thereof for the statutory period. The municipality brought suit to regain possession of the land. *Held,* the defendants possession ripened into title by adverse possession. *Robinson* v. *Lemp* (Idaho), 161 Pac. 1024. See NOTES, p. 492.

TRIAL—READING STENOGRAPHER'S NOTES—TO REFRESH MIND OF JURY.—After the jury had retired to the jury room to consider their verdict, a dispute arose as to what had been testified to by a certain witness. The jury came into court and requested that the stenographer read the testimony of the witness from his notes taken during the trial, and the request was granted. *Held,* it is within the discretion of the trial court to grant or deny such a request, and granting it does not constitute reversible error. *Barton* v. *State* (Fla.), 73 South. 230.

It is the general rule, obtaining in a majority of jurisdictions, that the jury have the right to have certain portions of the testimony of witnesses read to them from the notes of the stenographer taken during the progress of the trial. and that it is proper for the court to grant such a request of the jury. *Green* v. *State,* 122 Ga. 169, 50 S. E. 53; *People* v. *Foy,* 138 N. Y. 664, 34 N. E. 396; *State* v. *Manning,* 75 Vt. 185, 54 Atl. 181; *State* v. *Perkins,* 143 Iowa 55, 120 N. W. 62, 21 L. R. A. (N. S.) 931. Thus, in answer to a request made by the jury, a portion of the testimony was allowed to be read by the stenographer to refresh their memory as to the evidence which was in dispute among members of the jury. *Commonwealth* v. *Bolger,* 229 Pa. 597, 79 Atl. 113; *Strickland* v. *State,* 115 Ga. 222, 41 S. E. 713. And even though the witnesses themselves might be produced, stenographer's notes are still admissible and do not constitute secondary evidence, as the stenographer is usually a sworn officer of the court. See *Freezer* v. *Sweeny,* 8 Mont. 508, 21 Pac. 20. Such a practice seems just and proper, and much better than halting the court proceedings to recall the witnesses for re-examination when their testimony is already before the court, having been taken down by the stenographer as given. *Green* v. *State, supra.* And especially is this true in states whose statute laws provide, that the stenographer's notes, translated and properly certified and filed, shall constitute a part of the record. See *State* v. *Perkins, supra.* But in all cases where the presence of the accused is necessary during the trial it would seem that the testimony of the witnesses should not be thus read to the jury in his absence. *Hill* v. *State,* 54 Tex. Crim. Rep. 646, 114 S. W. 117; *Jackson* v. *Commonwealth,* 19 Gratt. (Va.) 656. See *Hulse* v. *State,* 35 Ohio St. 421; *Wade* v. *State,* 12 Ga. 25.

But there are some courts which deny the right of the jury to have the testimony of a witness read to them after he has testified. In what is perhaps the leading case supporting the minority view, the jury's request to have the evidence of a witness read to them from the notes of the stenographer was refused, on the ground that the stenographer is not the final arbiter in case of a dispute among the jurors as to what a witness has testified. *Padgitt* v. *Moll,* 159 Mo. 143, 60 S. W. 121, 81 Am. St. Rep. 347, 52 L. R. A. 854. It is also said that to grant such a request is erroneous; because the jury thus hears that part of the tes-